

1966/147

**THE CIVIL AVIATION REGULATIONS 1953,
AMENDMENT NO. 11**

—
BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 5th day
of September 1966

Present:

THE RIGHT HON. J. R. MARSHALL PRESIDING IN COUNCIL

PURSUANT to the Civil Aviation Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. (1) These regulations may be cited as the Civil Aviation Regulations 1953, Amendment No. 11, and shall be read together with and deemed part of the Civil Aviation Regulations 1953* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. (1) Subclause (1) of regulation 4 of the principal regulations is hereby amended as follows:

(a) By revoking the definition of the term "control area", and substituting the following definition:

"'Control area' means a controlled airspace extending upwards from a specified height above the surface of the earth without an upper limit unless one is specified:"

(b) By revoking the definition of the term "control zone", and substituting the following definition:

"'Control zone' means a controlled airspace extending upwards from the surface of the earth to a specified limit:"

(c) By revoking the definition of the term "traffic pattern":

(d) By revoking the definition of the term "Director", and substituting the following definition:

"'Director' means the Director of Operations and Technical Services":

*S.R. 1953/108 (Reprinted with Amendments Nos. 1-6: S.R. 1962/13)

Amendment No. 7: S.R. 1962/139

Amendment No. 8: S.R. 1964/2

Amendment No. 9: S.R. 1965/16

Amendment No. 10: S.R. 1965/206

- (e) By revoking the definition of the term "New Zealand":
- (f) By inserting, in their appropriate alphabetical order, the following definitions:

"'Advisory area' means a prescribed area within a flight information region where air traffic advisory service is available:"

"'Advisory route' means a route within a flight information region along which air traffic advisory service is available:"

"'Aerodrome traffic circuit' means the pattern flown by an aircraft operating in the vicinity of an aerodrome:"

"'Aerodrome traffic zone' means airspace of prescribed dimensions established around an aerodrome for the protection of aerodrome traffic:"

"'Air traffic advisory service' means a service provided to ensure separation, as far as possible, between aircraft which are operating on an IFR flight plan outside control areas but within advisory routes or advisory areas:"

"'Airway' means a control area or portion thereof established in the form of a corridor equipped with radio navigational aids:"

"'Continuous listening watch' means a continuous listening watch maintained on the appropriate Air Traffic Control radio frequency by the pilot in command, or any other pilot for the time being operating the controls of the aircraft:"

"'Flight information region' means airspace of prescribed dimensions within which flight information service and alerting services are provided:"

"'Manoeuvring area' means that part of an aerodrome to be used for the take-off and landing of aircraft and for the movement of aircraft associated with take-off and landing; but does not include areas set aside for loading, off-loading, or maintenance of aircraft:"

"'Terminal control area' means a control area normally established at the confluence of air routes or in the vicinity of one or more major aerodromes:"

"'Vector' in relation to the landing and take-off paths of aircraft, means a predetermined take-off or landing direction of fixed length on the grass area of an aerodrome:"

(2) Regulation 4 of the principal regulations is hereby further amended by adding the following subclause:

"(3) Terms and expressions defined in this regulation shall, when used in any publication referred to in subclause (4) of regulation 8A of these regulations, unless the context otherwise requires, have the meanings so defined."

3. Subclause (1) of regulation 18 of the principal regulations is hereby amended by omitting the words "and any lawful", and substituting the words "or any lawful".

4. The principal regulations are hereby further amended by revoking regulation 33, and substituting the following regulation:

“33. **Prohibited, restricted, and danger areas**—(1) The Director may from time to time prescribe any area or areas of New Zealand territory to be a prohibited area, a restricted area, or a danger area for the purposes of controlling air traffic, ensuring the safety of air navigation, and facilitating the control of aircraft operations.

“(2) Any area prescribed as a prohibited, restricted, or danger area under subclause (1) of this regulation may be prescribed without limitation as to time or may be prescribed for such period as the Director may limit in that behalf.

“(3) The Director shall not under this regulation:

“(a) Declare an area to be a prohibited area unless he is advised by the Minister for reasons of military necessity or national security or the public interest to prohibit the flight of aircraft over the area; or

“(b) Declare an area to be a restricted area unless he is satisfied that it is necessary in the interests of the safety of air navigation to permit the flight of aircraft over the area only in accordance with such conditions and at such times as he may prescribe; or

“(c) Declare an area to be a danger area unless he is satisfied there exists or is likely to exist in the area prescribed, danger or potential danger to aircraft flying in the area.

“(4) In prescribing a restricted area under this regulation, the Director shall prescribe the conditions under which aircraft may be permitted to fly over the area and he may authorise any conditions so prescribed to be varied by an appropriate air traffic control unit in circumstances which render it impracticable for him to be consulted.

“(5) In prescribing a danger area under this regulation, the Director shall give sufficient information as to the potential danger to aircraft so that the pilot in command of an aircraft likely to be affected may be in a position to assess the danger in relation to his responsibility for the safety of his aircraft.

“(6) In prescribing a prohibited, restricted, or danger area under this regulation, the Director shall give such notice of his action in the appropriate publication as he may deem necessary in the circumstances.

“(7) No aircraft shall be flown within a prohibited area except with the express permission in writing of the Minister and under such conditions as he may see fit to determine.

“(8) No aircraft shall be flown within a restricted area except in accordance with such conditions and at such times as the Director may prescribe.

“(9) No aircraft shall be flown over a danger area except after due consideration by the pilot in command of the information given by the Director in relation to the flight of aircraft in the area and the potential danger to the aircraft.

“(10) Where the pilot in command of an aircraft finds that his aircraft is within a prohibited or restricted area in contravention of this regulation, or any conditions prescribed in pursuance of this regulation he shall—

- “(a) Immediately have the aircraft flown to a position where it is not within the area; and
- “(b) As soon as possible report the full circumstances to an appropriate air traffic control unit; and
- “(c) Obey any instructions given by Air Traffic Control as to the flight and manoeuvre of the aircraft, including any instruction to land at such aerodrome as may be designated by Air Traffic Control.

“(11) Any person who wilfully flies over a prohibited, restricted, or danger area in contravention of this regulation or any condition prescribed or notified in pursuance of this regulation or who otherwise operates or causes to be operated any aircraft so flown shall be guilty of an offence against these regulations.

“(12) No person shall by any otherwise lawful act or omission create any hazard in, or otherwise do anything in relation to, any airspace which is likely to affect safety in aerial navigation unless prior notice is given to the Director by that person in sufficient time to enable adequate steps to be taken to protect aircraft likely to be affected.”

5. The principal regulations are hereby further amended by revoking regulation 36, and substituting the following regulation:

“36. **Dangerous operation and maintenance of aircraft**—(1) No aircraft shall be operated, maintained, serviced, flown, or manoeuvred in a manner or in circumstances whereby avoidable danger to life or property is likely to ensue.

“(2) In any prosecution for an offence against this regulation:

“(a) Any unlawful act or omission or any neglect to do any act or otherwise perform any duty or function which any person has a duty to do or which good aviation practice requires that he should do in relation to the operation, flight, manoeuvre, maintenance, or servicing of an aircraft shall constitute an offence against this regulation unless it is established to the satisfaction of the Court that no element of danger was present in the act, omission, or neglect complained of:

“(b) The probable or future effect of any act, omission, or neglect referred to in paragraph (a) of this subclause which is likely to prejudice the safe operation of any aircraft shall, where relevant, be taken into account in determining whether or not the act complained of constitutes an offence against this regulation.”

6. Subclause (3) of regulation 38 of the principal regulations is hereby amended by adding the following paragraph:

“(f) The aircraft is engaged in commercial photography operations of a nature which necessitates low flying and approval has been given by the Director for all flights or for a specific flight to be made at a lower altitude.”

7. The principal regulations are hereby amended by revoking regulation 64, and substituting the following regulation:

“64. **Engine ground check**—Before the take-off run is commenced, the pilot in command of an aircraft shall ensure that an engine ground check has been carried out in order to establish that the engines are functioning correctly.”

8. Paragraph (d) of subclause (4) of regulation 66 of the principal regulations is hereby amended by inserting, after the word "test", the words ", the duration of which does not exceed 30 minutes,".

9. Regulation 74 of the principal regulations is hereby amended by inserting, after subclause (3), the following proviso:

"Provided that the Director may exempt absolutely or subject to such conditions as he thinks fit from any or all of the provisions of this regulation cabin attendants or attendants travelling with livestock."

10. Subclause (1) of regulation 84 of the principal regulations (as amended by regulation 22 (a) of the Civil Aviation Regulations 1953, Amendment No. 3) is hereby amended by inserting, after the word "forecasts", the word "available".

11. (1) The principal regulations are hereby amended by revoking regulation 88, and substituting the following regulation:

"88. **Right of way rules**—(1) An aircraft which has the right of way in accordance with this regulation shall maintain its heading and speed:

"Provided that nothing in these regulations shall relieve the pilot in command of an aircraft from the responsibility of taking such action as will best avert collision.

"(2) An aircraft which is required by these regulations to keep out of the way of another aircraft shall avoid passing over or under the other or avoid crossing ahead of it unless passing well clear.

Approaching Head-on

"(3) When two aircraft are approaching head-on or approximately so and there is a danger of collision, each shall alter its heading to the right.

Converging

"(4) When two aircraft are on converging headings at approximately the same altitude, the aircraft that has the other on its right shall give way to the other aircraft:

"Provided that—

"(a) Power-driven heavier than air aircraft shall give way to gliders:

"(b) Power-driven aircraft shall give way to aircraft which are seen to be towing any object, including another aircraft.

Overtaking

"(5) An aircraft that is being overtaken has the right of way and the overtaking aircraft, whether climbing, descending, or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

"(6) For the purposes of subclause (5) of this regulation the term 'overtaking aircraft' means an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, that is to say in such a position with reference to the other aircraft that at night it should be unable to see either of the forward navigation lights of the other aircraft.

Landing

“(7) The following provisions shall apply with respect to aircraft landing or about to land:

“(a) An aircraft in flight or operating on the ground or water shall give way to other aircraft landing or on final approach to land:

“(b) When two or more heavier than air aircraft are approaching an aerodrome for the purpose of landing, aircraft at the higher altitudes shall give way to aircraft at the lower altitudes, but the latter shall not take advantage of this rule to cut in front of another which is on final approach to land, or to overtake that aircraft:

“(c) Notwithstanding the provisions of paragraph (b) of this sub-clause, power-driven heavier than air aircraft shall give way to gliders.

Emergency Landing

“(8) An aircraft that is aware that another aircraft is compelled to land shall give way to that aircraft.

Take Off

“(9) An aircraft about to take off shall not attempt to do so until there is no apparent risk of collision with other aircraft.

Ground Movement

“(10) When moving on the movement area of an aerodrome—

“(a) An aircraft or a vehicle shall give way to aircraft that are landing or taking off and, where an aircraft is being towed, the person in charge of the towing vehicle shall be responsible for complying with this paragraph:

“(b) A vehicle shall give way to an aircraft or to another vehicle towing an aircraft.”

(2) Regulation 26 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby revoked.

12. The principal regulations are hereby further amended by inserting, after regulation 90, the following regulation:

“90A. **Operation within an aerodrome traffic zone**—No aircraft shall be flown within any aerodrome traffic zone except for the purpose of landing, taking off, or observing ground signals with a view to landing unless the prior authority of any air traffic control unit in operation at the aerodrome has been obtained.”

13. (1) The principal regulations are hereby further amended by revoking regulation 91, and substituting the following regulation:

“91. **Aerodrome traffic rules**—(1) The pilot in command of an aircraft operating on or in the vicinity of an aerodrome, whether or not within an aerodrome traffic zone, shall—

“(a) Observe other aerodrome traffic for the purpose of avoiding collision:

“(b) Conform with the pattern of traffic formed by other aircraft or keep clear of the airspace in which the pattern is formed.

“(2) The pilot in command of an aircraft operating on or in the vicinity of an aerodrome shall also, unless otherwise instructed by any air traffic control unit operating at that aerodrome—

“(a) Make all turns to the left when approaching for a landing and after taking off except that in respect of those aerodromes where different procedures have been determined and prescribed by the Director, those procedures shall be observed:

“(b) Subject to the provisions of paragraph (c) of this subclause, land and take off into wind unless good aviation practice in relation to aircraft performance and safety otherwise requires:

“(c) At aerodromes where prepared runways are provided, land and take off in accordance with such procedures as may be determined and prescribed by the Director or as otherwise instructed by any air traffic control unit in operation at the aerodrome concerned.

“(3) In addition to the foregoing provisions of this regulation, at aerodromes where the operation of aircraft is not restricted to prepared runways and no procedures to the contrary have been prescribed, the pilot in command shall operate the aircraft in accordance with the following rules:

“(a) Aircraft when landing shall land on the right of any aircraft which has already landed or is about to land or which is taking off or is about to take off:

“(b) Aircraft when taking off shall take off on the right of any aircraft which is already taking off:

“(c) Aircraft when landing or taking off shall leave a reasonable space on the right for other aircraft to land or take off:

“(d) Aircraft after landing shall turn left for the purpose of observing other aerodrome traffic and then move clear of the landing area as soon as possible:

“(e) Aircraft when manoeuvring on the ground shall do so in the direction of landing:

“Provided that aircraft may cross the landing area if in the course of the crossing all turns are made to the left and the aircraft gives way to all aircraft landing and taking off.

“(4) In addition to the foregoing provisions of this regulation, at aerodromes where an air traffic control unit is in operation the pilot in command of an aircraft forming part of aerodrome traffic shall—

“(a) Maintain a continuous listening watch on the designated Air Traffic Control radio frequency or, if this is not possible, keep a watch for such ground or light signals as may be displayed by the unit:

“(b) Advise the air traffic control unit of the nature of any intended movement and obtain prior authorisation before taxi-ing on to the manoeuvring area:

“(c) Obtain either by radio or by light signals prior authority from the unit for any manoeuvre associated with taxi-ing, landing, or taking off.

“(5) The pilot in command of an aircraft who, in the exercise of the discretion provided for in paragraph (b) of subclause (2) of this regulation, takes off or lands out of wind shall not adopt any course of

action which will endanger other aircraft and shall be responsible for avoiding any situation which may lead to a collision with other aerodrome traffic.

“(6) Aircraft, after landing on prepared runways, shall be moved clear of the runways as soon as possible and proceed as instructed by any air traffic control unit in operation at the aerodrome concerned.

“(7) In this regulation the term ‘prepared runway’ means a defined area on a land aerodrome selected or prepared for the landing and take-off run of aircraft along its length and prescribed as a prepared runway by the Director.”

(2) Regulation 27 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby revoked.

14. (1) Regulation 92 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) Where a flight plan has been filed—

“(a) Subject to such conditions as may be prescribed under subclause (2) of regulation 100 hereof, no deviation shall be made from the flight plan without the appropriate air traffic control unit being informed and, where the flight is within controlled airspace, the prior authority of the appropriate air traffic control unit shall be obtained for any such deviation:

“(b) The pilot in command shall make to the appropriate air traffic control unit a report of his arrival terminating the flight plan as soon as practicable after the flight has been completed:

“(c) A flight plan may be terminated by the pilot in command by radio while an aircraft is in flight:

“(d) The pilot in command shall, if practicable, advise the appropriate air traffic control unit on every occasion when the estimated time of arrival at an intermediate or destination aerodrome is likely to be exceeded by more than 30 minutes.”

(2) Paragraph (b) of regulation 28 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby revoked.

15. The principal regulations are hereby further amended by revoking regulation 93, and substituting the following regulation:

“93. **Designation of air space**—For the purposes of ensuring the safety of aircraft and of facilitating air navigation, the Director may from time to time prescribe aerodrome traffic zones, control zones, airways, control areas, terminal control areas, upper control areas, advisory routes, advisory areas, flight information regions, and designated reporting points and may prescribe any special procedures and conditions relating thereto.”

16. (1) The principal regulations are hereby further amended by revoking regulation 98, and substituting the following regulation:

“98. **Table of cruising levels**—(1) The Director shall, in Civil Aviation Safety Orders, specify the Table of Cruising Levels at which aircraft shall be flown when required by these regulations to be flown at an altitude or flight level appropriate to their magnetic track.

“(2) In specifying the Table of Cruising Levels in pursuance of subclause (1) of this regulation, the Director shall further specify the procedure to be used for the setting of altimeters in all aircraft.

“(3) An aircraft required by these regulations or by Civil Aviation Safety Orders to comply with the Table of Cruising Levels shall conform to the requirements of the Director prescribed under this regulation and shall maintain altitude or flight level by reference to an altimeter set in accordance with the procedure prescribed by the Director.”

(2) Regulation 2 of the Civil Aviation Regulations 1953, Amendment No. 8, is hereby revoked.

17. (1) The principal regulations are hereby further amended by revoking regulation 100, and substituting the following regulation:

“100. **Air traffic control and procedures**—(1) Before an aircraft is flown in controlled airspace under instrument flight rules, an air traffic control clearance based on the flight plan shall be obtained by the pilot in command from the appropriate air traffic control unit.

“(2) The Director may from time to time prescribe the conditions and procedures under which aircraft operating under instrument flight rules shall be flown.

“(3) The Director may from time to time prescribe instrument approach procedures in relation to the use of any aerodrome.

“(4) The pilot in command of an aircraft intending to land at any aerodrome in respect of which instrument approach procedures have been prescribed under subclause (3) of this regulation shall conform with any such procedures where the meteorological conditions at the material time necessitate that the procedures should be followed.”

(2) Regulation 33 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby revoked.

18. (1) The principal regulations are hereby further amended by revoking regulation 102, and substituting the following regulation:

“102. **Communications for IFR flights**—The Director may from time to time prescribe requirements for radio communication for flight under instrument flight rules and the procedures to be followed by the pilot in command in the event of his being unable to maintain any such communication.”

(2) Regulation 35 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby revoked.

19. The principal regulations are hereby further amended by revoking regulation 103, and substituting the following regulation:

“103. (1) **Altitudes for IFR flights**—Except when climbing or descending, aircraft conducting a flight under instrument flight rules shall be flown—

“(a) When within controlled airspace at the altitude or flight level authorised by Air Traffic Control:

“(b) When outside controlled airspace, at an altitude or flight level appropriate to the IFR Table of Cruising Levels as prescribed by the Director in Civil Aviation Safety Orders:

“Provided that an aircraft may be flown at an altitude or flight level other than the altitude or flight level required by this paragraph if the aircraft is flying in conformity with instructions given by an air traffic control unit or in accordance with duly prescribed instrument holding or let-down procedures.”

(2) Regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 8, is hereby revoked.

20. The principal regulations are hereby further amended by inserting, after regulation 105, the following regulation:

"105A. **IFR training flights**—The Director may, subject to such conditions as he may prescribe, grant exemption in whole or in part from the requirements of regulation 105 of these regulations in respect of instrument training flights in visual meteorological conditions for which an IFR flight plan has been filed."

21. Regulation 122 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

"(2) Nothing in this regulation shall be construed as absolving a pilot in command of his responsibility for avoidance of collision pursuant to regulation 88 or regulation 91 of these regulations."

22. (1) Paragraph (g) of subclause (1) of regulation 126 of the principal regulations is hereby revoked.

(2) Subclause (1) of regulation 126 of the principal regulations is hereby further amended by revoking paragraph (k) (other than figure 11 appended to that paragraph) and substituting the following paragraph:

"(k) A right-handed arrow painted red with yellow diagonal stripes and placed on a corner of the white edging forming the signals area (fig. 11) shall indicate that circuits or partial circuits are to be made to the right before landing and after taking off:".

23. Paragraph (b) of subclause (2) of regulation 128 of the principal regulations is hereby amended by omitting the words "(pronounced PARN)".

24. Regulation 130 of the principal regulations is hereby revoked.

25. Regulation 151 of the principal regulations is hereby further amended by inserting, after subclause (2), the following subclause:

"(2A) The applicant for a Certificate of Registration shall submit to the Director evidence of the make, model, and serial number of the aircraft."

26. Regulation 156 of the principal regulations is hereby further amended by revoking subclause (2).

27. Regulation 158 of the principal regulations is hereby amended by revoking subparagraph (i) of paragraph (a) of subclause (3), and substituting the following subparagraph:

"(i) Once on the lower surface of the wing structure and, if the marks are confined to the outer half of the wing structure, they shall be located on the left (port) lower surface. The tops of the letters shall be towards the leading edge and, so far as is possible, the marks shall be equidistant from the leading and trailing edges of the wing:

"Provided that it shall not be necessary to comply with this paragraph in respect of aircraft or gliders the operation of which is restricted to New Zealand:".

28. Regulation 161 of the principal regulations is hereby amended by revoking subclauses (3) and (4), and substituting the following subclause:

“(3) Except as provided in regulation 164 of these regulations, a certificate of airworthiness shall not be issued or validated in respect of an aircraft imported into New Zealand unless:

“(a) The applicant has supplied to the Director such technical data relevant to the aircraft and its components expressed in the English language as the Director may require:

“(b) The applicant has supplied to the Director such undertakings as he may require to ensure the future supply of information relating to the design, maintenance, and safe operation of the aircraft:

“(c) The aircraft is a New Zealand registered aircraft:

“(d) The applicant submits to the Director the documents specified in paragraph (e) or paragraph (f) of this subclause, as the case may require:

“(e) For each aircraft imported in an assembled or dismantled condition there is—

“(i) A certificate of airworthiness valid at, or within 30 days before, the date of export to New Zealand:

“(ii) An approved flight manual or other document which the Director will accept as its equivalent:

“(iii) A log book containing a record of the maintenance done on the aircraft together with a certified statement as to its modification status as at the time of export to New Zealand.

“(f) For each aircraft which is either unfinished or in fabricated or partly fabricated kit form and therefore not eligible for the grant of a certificate of airworthiness before export, there is—

“(i) Evidence that a certificate of airworthiness has been granted to the prototype aircraft:

“(ii) Evidence that the unfinished aircraft or materials and parts comprising the kit have been manufactured or inspected under conditions acceptable to the Director and conform to the drawings approved by the appropriate overseas authority for the type aircraft:

“(iii) In the applicant's possession either the manufacturer's or approved instructions and schedules for completing and flight testing the aircraft:

“Provided that a certificate of airworthiness shall not be issued or validated under this subclause until the Director has satisfied himself by inspection that the aircraft meets all relevant New Zealand Civil Airworthiness Requirements:

“Provided also that the Director may specify in New Zealand Civil Airworthiness Requirements particular classes of aircraft in respect of which relaxation from the provisions of this subclause may be granted:

“Provided further that if the aircraft is of a type which is operating in New Zealand and concerning which detailed information is available to the Director, he may waive subclauses 3 (e) (i) and 3 (e) (iii) hereof subject to such conditions as he may require.”

29. The principal regulations are hereby further amended by revoking regulation 164, and substituting the following regulation:

“164. Validation and replacement of certificate of airworthiness for imported aircraft—(1) Where application is made for the registration under these regulations of an aircraft in respect of which a certificate of airworthiness has been issued by the competent authority in any other country and the certificate is, at the time of application, still in force, the Director may, if satisfied as to the airworthiness of the aircraft and to compliance with the airworthiness requirements adopted in pursuance of the Convention, register the aircraft and either validate the foreign certificate of airworthiness or issue a New Zealand certificate of airworthiness subject to such conditions and limitations as he considers necessary.

“(2) Every such application shall be accompanied by such documentation specified in paragraphs (a) and (e) of subclause (3) of regulation 161 hereof as is applicable to the particular aircraft.

“(3) Any certificate of airworthiness validated or issued under this regulation shall remain in force for a period to be specified by the Director not exceeding either the unexpired period of the foreign certificate of airworthiness or six months, whichever is the lesser.”

30. The principal regulations are hereby further amended by inserting, after regulation 173, the following regulation:

“173A Standards and Specifications—(1) The Director may from time to time prescribe such standards, specifications, and procedures in respect of the supply, use, fabrication, modification, inspection, test, overhaul, or repair of aircraft and aircraft components as he may deem necessary in the interests of safety.

“(2) Compliance with any standard, specification, or procedures prescribed under this regulation shall be certified in such manner as the Director may require or approve.

“(3) In any prosecution for non-compliance with any standard, specification, or procedure prescribed under this regulation, it shall be a valid defence to establish to the satisfaction of the Court that all reasonable precautions had been taken to ensure that no act or omission had occurred to render invalid any prior certification of compliance required by subclause (2) of this regulation.”

31. Regulation 180 of the principal regulations is hereby amended by adding to subclause (2) the following proviso:

“Provided that the Director may authorise operation of equipment on certain frequencies for familiarisation and training purposes pending the issue of a licence or a rating.”

32. Regulation 203 of the principal regulations is hereby amended by adding to subclause (2) the following paragraph:

“(d) Satisfy the Director that he personally possesses an up-to-date amended copy of the New Zealand Civil Airworthiness Requirements.”

33. Regulation 204 of the principal regulations (as substituted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 4) is hereby amended by adding to subclause (2) the words “and personally possesses an up-to-date amended copy of the New Zealand Civil Airworthiness Requirements.”

34. Regulation 227 of the principal regulations is hereby amended by adding to paragraph (b) of subclause (1) the following subparagraph:

“(xi) Flight radio-telephone operator rating.”

35. Paragraph (c) of subclause (2) of regulation 234 of the principal regulations is hereby amended by adding the following additional proviso:

“Provided also that where a flight testing officer or authorised flight examiner is on board the aircraft for the purpose of testing the holder of a student pilot licence for a licence of higher qualification, the prohibition against the carriage of passengers by the student pilot shall not apply to the carriage of the testing officer or examiner.”

36. (1) Subclause (1) of regulation 264 of the principal regulations (as substituted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 7, and amended by regulation 40 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby further amended as follows:

- (a) By omitting from the item referred to in the table as “Flight radiotelephone operator rating” under the column heading “Flight or Practical Test” the amount “£1”:
- (b) By omitting from the table under the column heading “Licence, Rating, or Certificate” the words “Flight operations officer”, and substituting the words “Flight operations officer licence”:
- (c) By omitting from the table all words under the cross-heading “Aircraft Maintenance Engineer”, and substituting the following:

| | | | | | | | | | | |
|-----------------------------------|----|----|----|----|---|--|----|----|---|-----|
| “Aircraft maintenance engineer | | | | | | | | | | |
| licence | .. | .. | .. | 10 | 0 | | 10 | 0 | | .. |
| Each category | .. | .. | .. | 5 | 0 | | .. | .. | | .. |
| Addition of type to a category .. | .. | .. | .. | 5 | 0 | | .. | 1 | 0 | 0 |
| | | | | | | | | | | ..” |

(2) Regulation 40 of the Civil Aviation Regulations 1953, Amendment No. 9, is hereby repealed.

37. Regulation 265 of the principal regulations (as substituted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 7) is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) The fee to be charged in respect of every type certificate of airworthiness or certificate of type approval shall be in the discretion of the Director and shall be based upon, but shall not exceed, the cost of the investigation into the design and construction of the aircraft or aircraft components for the purposes of the certificate.”

38. Regulation 267 of the principal regulations (as substituted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 7) is hereby amended by inserting, after subclause (4), the following subclause:

“(4A) A fee of 10s. shall be charged for the issue or renewal of a permit to fly or an air service certificate.”

39. The Third Schedule to the principal regulations (as substituted by regulation 24 of the Civil Aviation Regulations 1953, Amendment No. 6) is hereby amended by revoking paragraphs (d) and (e) of clause 5 (under the cross-heading *Visual Requirement No. 1*) and substituting the following paragraphs:

“(d) Not more than 10 dioptries of exophoria:

“(e) Not more than 5 dioptries of esophoria:”.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Interpretation—New definitions are inserted in the regulations to assist in interpretation. These new definitions generally follow recommendations of the International Civil Aviation Organisation (ICAO).

Regulation 4 is a revision of the existing regulation. The principal changes made by the new regulation are—

- (a) Special provision is now made for danger areas, e.g., Army or Navy firing areas and Air Force practice bombing areas:
- (b) The discretion formally entrusted to the Minister is now vested in the Director of Operations and Technical Services, but with the qualification that in the case of a prohibited area the Director may act only on the advice of the Minister:
- (c) The areas need no longer be proclaimed in the *Gazette* but may be prescribed by the promulgation of Orders issued by the Director under regulation 8A of the principal regulations—this is considered desirable because notification of such areas is solely for the purposes of aerial navigation, and pilots and aircraft operators do not normally have access to the *Gazette*.

The new regulation will provide for all three classes of restricted airspace contained in ICAO international standards. Prohibited areas under the ICAO classification are areas in which the flight of aircraft is not permitted under any circumstances. This classification is intended to cover such cases as might arise where considerations not necessarily related to aviation safety are at issue, i.e., considerations of national security, military necessity, or the public interest. Restricted areas under the ICAO classification are intended to cover areas where safety hazards or even security considerations, etc., are involved but are not of lasting effect or may still permit flight subject to restrictions. The restrictions imposed may be permanent or limited to certain times or certain circumstances.

Danger areas under the ICAO classification are intended to cover areas in respect of which a warning is in force. If the pilot concerned has due regard to the warnings in the notice and exercises caution, it is not unlawful for him to fly in the area. The notification of a danger area may therefore suffice where the assessed danger does not warrant the area being declared a restricted area.

Regulation 5 replaces the existing regulation relating to negligent operation of aircraft. The principal changes made by the new regulation are—

- (a) Special provision is now made for negligence in the maintenance and servicing of aircraft where the probable effect is to prejudice the safe operation of the aircraft:
- (b) It is no longer necessary to prove the element of danger as an ingredient of the offence; instead any breach of a legal duty or of good aviation practice constitutes an offence unless the offender can establish that no element of danger was present.

Regulation 6 permits the Director to authorise flights below the prescribed minimum heights by aircraft engaged on commercial photography operations of a nature which necessitates low flying. A similar provision already exists for aircraft engaged on aerial work operations such as topdressing, spraying, etc.

Regulation 7 is a revision of the existing regulation. In accordance with modern practice, it is considered no longer necessary to test engines at full throttle before every take-off.

Regulation 8 restricts to 30 minutes the period that a person who is undergoing an aptitude test before commencing flying training may manipulate the flying controls of an aircraft under the supervision of a qualified instructor.

Regulation 9 authorises the Director to exempt cabin attendants and attendants travelling with livestock from the requirement of wearing a safety belt or harness. The Director may grant this exemption absolutely or subject to special conditions.

Regulation 10 inserts the word "available" in the existing regulation relating to meteorological conditions.

Regulation 11—No significant change has been made to the existing regulation but subheadings have been introduced for the sake of clarity and ease of reading.

Regulation 12 inserts a new regulation imposing restrictions on aircraft flying within areas of air space to be known as aerodrome traffic zones. It is proposed to establish such zones at all aerodromes where an air traffic control service is provided and at other aerodromes where the traffic warrants it. In effect no unauthorised aircraft may fly within such a zone except for the purpose of landing, taking off, or observing ground signals with a view to landing.

Regulation 13 revokes the present regulation and substitutes amended rules relating to aerodrome traffic. The rules are designed to ensure the orderly and safe flow of traffic, both on the ground and when flying in the vicinity of an aerodrome. The new rules are more detailed than the present rules so as to clarify the status of current practice and to clarify the position where circumstances peculiar to particular aerodromes (e.g., prepared runways) require special procedures, e.g., circuit direction, use of grass areas, and avoidance of hazards. The rules follow ICAO recommendations except that additional provisions are included to provide for aerodromes catering for mixed classes of air traffic.

Regulation 14 clarifies the responsibilities of the pilot of an aircraft flown pursuant to a flight plan, particularly in respect of a flight plan for a flight in controlled airspace.

Regulation 15 is a revision of regulation 93 of the principal regulations. It introduces a new heading which more accurately describes the contents of the regulation. Provision is made for the designation of additional classes of controlled airspace, i.e., aerodrome traffic zones, airways, terminal control areas, upper controlled areas, advisory routes, and advisory areas. The Director is empowered to designate airspace in any of the publications promulgated as Orders under regulation 8A of the principal regulations.

Regulation 16 rewrites the existing regulation, the only change being the adoption of the term "Table of Cruising Levels" in place of "Magnetic Track Altitude Requirements" so as to comply with ICAO recommendations.

Regulation 17 is a revision of regulation 100 of the principal regulations. It defines the responsibility of a pilot proposing to fly under instrument flight rules (IFR) to obtain an air traffic control clearance when flight in controlled airspace is involved. The new regulation also empowers the Director to specify procedures and conditions relating to instrument flights within controlled airspace or the adoption of instrument approach procedures. The Director is now empowered to specify the procedures and conditions in any of the publications promulgated as Orders under regulation 8A of the principal regulations.

Regulation 18 removes from the regulations the detailed procedure to be followed in the event of radio failure where a pilot is obliged to maintain radio communication for air traffic control purposes. These detailed procedural requirements which require periodic amendment will now be promulgated in the New Zealand Aeronautical Information Publication.

Regulation 19 is consequential upon regulation 16 and rewrites the existing regulation in terms of the same new terminology.

Regulation 20 inserts a new regulation relating to instrument training flights in visual meteorological conditions. The new regulation permits the Director to relax the requirements of regulation 105 of the principal regulations for a second altimeter and a second airspeed indicator where instrument training flights take place in visual meteorological conditions.

Regulation 21 adds a new subclause to regulation 122 of the principal regulations. This amendment clarifies the responsibility of a pilot receiving a light signal to take whatever steps are necessary to avoid collision with other aircraft, notwithstanding that air traffic control has given an authorisation by means of a light signal.

Regulation 22 deletes the existing requirements for a ground signal indicating the direction of take-off and for a green flag to be hoisted on the control mast, as these signals and flags are no longer used in New Zealand.

Regulation 23 is inserted because the pronunciation "PARN" is no longer used.

Regulation 24 wholly repeals regulation 130 of the principal regulations because these safety signals and terminology referred to in that regulation are no longer used either by ICAO or in New Zealand.

Regulation 25 requires an applicant for a certificate of registration to support his application with evidence of the make, model, and serial number of the aircraft.

Regulation 26 revokes the existing requirement contained in regulation 156 of the principal regulations for the authorised empty and maximum weights of an aircraft to be marked on the aircraft itself. This requirement is considered unnecessary because this data is included in the certificate of airworthiness and its associated flight manual carried in the aircraft.

Regulation 27 amends the requirements of regulation 158 of the principal regulations as to the location of markings on aircraft. First, aircraft and gliders the operation of which is restricted to New Zealand no longer need have markings on the wings and, secondly, other aircraft no longer need have markings on the top of the wings but only on their lower surface. All aircraft continue to require to have markings on the upper halves of the vertical tail surfaces. The reason for the change in requirements is that experience has shown wing markings to have little value for identification from the ground.

Regulation 28 modernises the requirements of subclause (3) of regulation 161 of the principal regulations relating to the issue or validation of certificates of airworthiness for imported aircraft. It takes into account changes in the technical data available and changes in overseas manufacturing and inspection procedures.

Regulation 29 is a redraft of regulation 164 of the principal regulations. Both the existing and the revised regulation provide authority for imported aircraft appropriately certified (but for which all the technical data and documentation required by regulation 161 are not available) to fly as New Zealand registered aircraft for a limited period pending production of the required data and documentation. However, as revised, this regulation now requires certain essential documentation to accompany the application.

Regulation 30 inserts a new regulation to give the Director general authority to prescribe standards, specifications, and procedures for aircraft and aircraft components in relation to airworthiness, maintenance, and other safety matters. Such standards, specifications, and procedures may be prescribed by the promulgation of Orders under regulation 8A of the principal regulations.

Regulation 31 amends the provisions of the existing regulation relating to the operation of radio equipment. The existing requirement is that radio equipment installed in New Zealand aircraft may be operated only by a person licensed for those duties. The purpose of the amendment is to enable the Director to authorise operation of radio equipment on certain frequencies for familiarisation and training purposes pending the issue of a licence or a rating.

Regulations 32 and 33 require an applicant for an aircraft maintenance engineer licence or the renewal of such a licence, to satisfy the Director that he personally possesses an up-to-date amended copy of the New Zealand Civil Airworthiness Requirements.

Regulation 34 adds a flight radio-telephone operator rating to the list of licences and ratings which regulation 227 of the principal regulations permits the Director to grant. The detailed requirements relating to a flight radio-telephone operator rating are already provided for in regulation 256D of the principal regulations.

Regulation 35 amends regulation 234 of the principal regulations relating to the privileges of the holder of a student pilot licence. The amendment provides that the existing prohibition against the carriage of passengers by a student pilot shall not apply to the carriage of a flight testing officer or flight examiner who is on board the aircraft for the purpose of conducting a flight test.

Regulations 36, 37, and 38 make minor amendments to examination fees and the registration fees for Type certificates, and introduce a new fee for the issue or renewal of a permit to fly or an air service certificate.

Regulation 39 corrects an error in the principal regulations by reversing the medical requirements for exophoria and esophoria.

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These regulations are administered in the Civil Aviation Department.